IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3044 of 2007

Randheer Kumar Balmiki Prasad Singh
and one Anr. Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr N. K. Sharma, Advocate for the applicants.

Mr U. V. Nikam, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 8TH OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicants and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. The accused-applicants are seeking bail under Section 439 of the Cr.P.C. in connection with C.R.No.13 of 2006 registered with Manmad Railway Police Station for the offence punishable under Sections 328, 379,511 read with Section 34 of the I.P.C.

4. According to the prosecution, on 29.3.2006 when a Police Inspector of Railway Police Manmad was taking round with his Staff

at Railway Station Manmad at about 4:15 a.m., a Express Train Patna (Down) No. 2114 had arrived in Railway station, Manmad at platform No.2. The said P.I. started checking 2nd bogie from the engine of the said express train. At that time, he saw the applicants in whose search they were found in possession of orange colour biscuits packets which were having powder of intoxication. That is how, the complaint came to be lodged against the accused under Sections 328, 379, 511 read with Section 34 of the I.P.C.

5. Considering the allegations against the applicants and absence of any overt-act on the part of the accused at the time of alleged incident, prima facie, leads me to grant them bail on following terms and conditions.

(a) The applicants-accused Randheerkumar Balmiki Prasad Singh and Shrilal Narayan Tanti arrested in connection with C.R.No.13 of 2006 by Manmad Railway Police Station for the offence under Sections 328, 379, 511 read with Section 34 of the I.P.C. shall be enlarged on bail in the sum of Rs. 25,000/- each with one local surety each to make up

the said amount.

(b) The applicants will not be released unless they furnishes proof of their present residential addresses and and addresses of their village located in the State of Bihar. They shall not change the residence without prior intimation to the I.O. as well as to the Trial Court.

c] The applicants shall report to the concerned Police Station twice in a week i.e. on every Monday and Friday in between 3:00 to 5:00 p.m. till the conclusion of the trial.

d] The applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

e] The applicants shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be

a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

g] Breach of any of these conditions may result in cancellation of this order.

6. Application is disposed of in above terms.

JUDGE